

**REMARKS**

**General Remarks**

Claims 1-15 are all the claims currently pending in the present application.

Prior Art Rejections. Claims 1-3, 6-8, and 11-13 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Fuyama, U.S. Patent No. 5,363,296 ("Fuyama"), in view of Mochida et al., U.S. Patent No. 4,428,024 ("Mochida"). Claims 4-5, 9-10, and 14-15 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Fuyama, in view of Mochida and Tanaka, U.S. Patent No. 4,935,608 ("Tanaka").

Applicant respectfully traverses these rejections as discussed below.

**Claims 1-3, 6-8, and 11-13 over Fuyama and Mochida**

Regarding the Examiner's §103(a) rejection of Claims 1-3, 6-8, and 11-13 over Fuyama and Mochida, Applicant respectfully submits that the cited combination of references fails to teach or suggest each of the limitations of the present invention as recited in these claims.

Claims 1, 6, and 11. Applicant submits that the cited combination of references fails to teach or suggest at least adding 1 to a limit counter of a depressed function key, as recited in Claims 1, 6, and 11.

The Examiner acknowledges that Fuyama fails to teach or suggest this limitation, and therefore relies on Mochida. (Office Action, p. 6-7; Mochida is referred to by Examiner as "Michado"). Mochida is generally directed to an electronic door locking and unlocking system

for an automobile. According to Mochida, in order to unlock a vehicle door, a series of five digits are entered into a keypad located on the outside of the vehicle, and in order to lock the vehicle, a single number is entered into the keypad. (Col. 2, Ins. 41-49). The five-digit sequence to unlock the door is stored in memory unit 14. (Col. 3, Ins. 1-4). When a first number is entered into the keypad (push-button-type switches 10a-10e), a first signal is input into the address counter 13 via the first OR gate 12, and the counter then outputs a three-bit binary signal "001" to the memory unit, indicating that a first number has been pressed. (Col. 2, Ins. 61-68). The memory unit then retrieves the first number of the stored sequence, and a first comparator compares the number input by the user to the number stored in memory 14. First comparator 15 then outputs an H-voltage level signal to counter 16 when the digits agree, and counter 16 outputs a signal once the predetermined number of digits (here 5) have agreed. (Col. 3, Ins. 1-20).

The Examiner refers to counter 16 as teaching the claimed limitation of adding 1 to a counter of a depressed function key. However, as described above, counter 16 is not a counter of a depressed function key. As described, counter 16 adds the number of times it receives a correspondence signal from the first comparator 15, indicating a match between an input digit and a stored digit. Therefore, counter 16 is not counting a depressed function key, but rather coincidences between five separate input digits and a stored sequence.

In view of the above, Applicant also submits that the cited combination of references necessarily fails to teach or suggest comparing the value of a limit counter of a function key to a function number with a corresponding limit count.

Therefore, in view of at least the above, Applicant submits that Claims 1, 6, and 11 are patentable over the cited combination of references and respectfully requests that the rejection of these claims over Fuyama and Mochida be reconsidered and withdrawn.

Claims 2-3, 7-8, and 12-13. Applicant submits that Claims 2-3, 7-8, and 12-13 are patentable at least by virtue of their dependence on Claims 1, 6, and 11, and for the following additional reasons.

Regarding Claims 2, 7, and 12, Applicant submits that the cited combination of references fails to teach or suggest sending to a host computer that the depressing of a key exceeds a limit count if the value of the limit counter exceeds the limit count, as claimed. In the 35 U.S.C. § 1.111 Amendment of June 7, 2004, Applicant submitted that Fuyama fails to teach or suggest this limitation. The Examiner fails to respond to this argument in the present Office Action. Additionally, in the current Office Action, the Examiner fails to particularly point out any portion of Mochida which teaches or suggests this limitation.

As discussed in the June 7 Amendment, Fuyama fails to teach or suggest sending to a host computer that a limit count is exceeded. Applicant also submits that Mochida fails to teach or suggest a host computer. According to Mochida, the counter 16 is reset once the predetermined number of digits has been input, and therefore, a limit count is never exceeded.

Regarding Claims 3, 8, and 13, Applicant submits that the cited combination of references fails to teach or suggest displaying that the depressing of a key exceeds a limit count if the value of the limit counter exceeds the limit count, as claimed. In the June 7 Amendment

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Applicant submitted that Fuyama fails to teach or suggest this limitation. The Examiner fails to respond to this argument in the present Office Action. Additionally, in the current Office Action, the Examiner fails to particularly point to a portion of Mochida which teaches this limitation.

As discussed in the June 7 Amendment and above, Fuyama fails to teach or suggest a limit counter. Further, Fuyama fails to teach or suggest displaying that a limit count is exceeded, as claimed. As discussed above, Mochida fails to teach or suggest exceeding a limit count. Mochida also fails to teach or suggest any display.

Therefore, in view of at least the above, Applicant submits that Claims 2-3, 7-8, and 12-13 are patentable over the cited combination of references and respectfully requests that the rejection of these claims be reconsidered and withdrawn.

**Claims 4-5, 9-10, and 14-15 over Fuyama, Mochida, and Tanaka**

Regarding the Examiner's rejection of Claims 4-5, 9-10, and 14-15 over Fuyama, Mochida, and Tanaka, Applicant submits that Tanaka fails to remedy the above-discussed deficiencies of Fuyama and Mochida, and therefore, these claims are patentable at least by virtue of their dependence on Claims 1, 6, and 11, and for the following additional reasons.

Regarding Claims 4, 9, and 14, Applicant submits that the cited combination of references fails to teach or suggest reading in sequence, function numbers corresponding to specific keys in sales data in a memory unit, as recited. In response to Applicant's argument presented in the June 7 Amendment, the Examiner asserts that "although not specifically enumerated, the other keys, such as a Cancel key, Void Key, No Sale key, or Transaction Void

key are indeed functional equivalents of these other conventional keys and are well known in the art.” (Office Action, p. 9). However, even assuming *arguendo* that the use of a Cancel Key, a Void key, a No Sale key, and a Transaction Void key were well known in the art at the time of the present invention, there is no teaching or suggestion in the cited combination of references of reading out, in sequence, function numbers corresponding to these specific keys.

Additionally, as discussed above with respect to Claims 2, 7, and 12, Fuyama and Mochida fail to teach or suggest sending a signal to a host computer if a limit count is exceeded. Applicant submits that Tanaka fails to teach or suggest a limit count, and therefore also fails to teach or suggest this limitation.

Regarding Claims 5, 10, and 15, Applicant submits that the cited combination of references fails to teach or suggest collating function numbers in sequence, in a depressing limit master, when an input corresponds to specific function keys. Applicant submits that even assuming *arguendo*, as above, that the use of a Cancel Key, a Void key, a No Sale key, and a Transaction Void key were well known in the art at the time of the present invention, the cited combination of references fails to teach or suggest collating function numbers in sequence in a depressing limit master, as claimed.

Additionally, as discussed with respect to Claims 3, 8, and 13, Fuyama and Mochida fail to teach or suggest displaying that a limit count is exceeded, as claimed. As discussed above, Applicant submits that Tanaka fails to teach or suggest a limit count, and therefore also fails to teach or suggest this limitation.

Therefore, in view of at least the above, Applicant submits that Claims 4-5, 9-10, and 14-15 are patentable over the cited combination of references and respectfully requests that the rejection of these claims be reconsidered and withdrawn.

**No Motivation to Combine**

In addition to the above-presented reasons why the cited combinations of references fail to teach or suggest the claimed limitations of the present invention, Applicant further respectfully submits that one of ordinary skill in the art at the time of the presently-claimed invention would not have been motivated to combine Fuyama and Mochida as suggested by the Examiner because there is no suggestion of motivation for doing so in the references themselves or the knowledge available to one of ordinary skill in the art without resorting to impermissible hindsight.

Fuyama is generally directed to an electronic cash register with macro keys, which are individual keys of the register, which, when designated, instruct a sequence of key codes to be executed. The invention of Fuyama relates to macro key instructions which enable an authorized operator of a cash register to operate the register at a predetermined time and in predetermined conditions. (Abstract). Alternately, Mochida, as discussed above, is generally directed to an electronic system for locking and unlocking vehicle doors.

The Examiner proposes that it would be obvious to one of ordinary skill in the art to combine Fuyama and Mochida because “[Mochida] teaches the conventional limitation of employing an increasing counter to the system of Fuyama, who already deals with limits.”

(Office Action, p. 7). However, as discussed above, the counter of Mochida adds the number of times it receives a correspondence signal, indicating a match between an input digit and a stored digit. In contrast, Fuyama employs a set data counter 4-2 and a step counter 5-3. The set data counter holds an address number of a setting filed if macro data is set for a particular macro key. If no macro data is set, then the set data counter is 0. The step counter is set to 1 if a corresponding macro key is depressed and the set data counter is not 0. (Figure 11). Therefore, the system of Fuyama utilizes counters for precise purposes unrelated to counter 16 of Mochida, referred to by the Examiner. Therefore, Applicant submits that the only possible motivation for the Examiner's proposed combination is Applicant's own disclosure, the reliance on which constitutes impermissible hindsight reconstruction under MPEP §2143 (see also *In re Vaeck*, 20 USPQ 1438 (Fed. Cir. 1991)).

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

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Respectfully submitted,



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